

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	CRIMINAL ACTION NO.:
V.	§	3:07-CR-257-B
	§	
DERRICK ADRIAN JOHNSON	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed by Defendant Derrick Adrian Johnson. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.


Accordingly,

1. the motion for subpoena [Dkt. No. 87], construed as a motion to vacate, set aside, or correct sentence filed pursuant to 28 U.S.C. § 2255 is DISMISSED for lack of jurisdiction. This dismissal is without prejudice to Defendant's right to file a motion for leave to file a second or successive § 2255 motion in the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. § 2255(h) and § 2244(b)(3)(A). Defendant's request for a court-issued subpoena is DENIED without prejudice to his right to request a subpoena if he is granted leave to file a successive § 2255 motion by the Court of Appeals;
2. Defendant's motion to compel [Dkt. No. 88] is DENIED;
3. Defendant's petition for writ of mandamus [Dkt. No. 90] is DENIED without prejudice;
4. Defendant's second motion for subpoena [Dkt. No. 91] is DENIED without prejudice, and;

5. Defendant's motion to expedite disposition of his pending motions [Dkt. No. 92] is DENIED.

For statistical purposes, the **Clerk of Court** is directed to open a new Section 2255 civil action (nature of suit code 510 directly assigned, per Special Order 3-250, to District Judge Boyle and Magistrate Judge Horan), and to close the same on the basis of this order.

SO ORDERED this 16th day of July, 2014.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE